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United States Mission to the OSCE

Statement on Responding to Anti-Semitic and Hate-Motivated Crime

Drafted for delivery by Ambassador Edward B. O'Donnell
to the Cordoba Conference on Anti-Semitism
and on Other Forms of Intolerance
June 8, 2005

Chairman Rupel, Minister Moratinos, excellencies and distinguished delegates:

I appreciate the opportunity to share with you, from the perspective of my office in the U.S. Department of State, the experience of the U.S. Government in monitoring and combating anti-Semitism. As Special Envoy for Holocaust Issues, I have been working closely with other U.S. Government agencies, NGOs, and the U.S. Congress to combat anti-Semitism. Fighting anti-Semitism and other forms of intolerance continues to be a top priority for the U.S. Government.

We are pleased to have as head of our delegation Governor George Pataki of New York, a U.S. state with a record of commendable tolerance and best practices, as well as many continuing challenges. New York has a richly diverse religious, multi-ethnic and multi-racial population. Our U.S. delegation reflects the cooperative relationship in the United States of federal and state governments, religious leaders and NGOs that address this highly important human rights issue of anti-Semitism. While my work and remarks today refer to anti-Semitism as a tragically unique phenomenon, the strategy for promoting respect for individuals and minorities applies to all the forms of intolerance that we are addressing at this Conference today and tomorrow.

In recognition of an alarming increase in global anti-Semitism, the U.S. Congress passed the Global Anti-Semitism Review Act of 2004, signed into law by President Bush last October. The legislation directed the Secretary of State to issue a report documenting acts of anti-Semitism worldwide and to create an office of the Special Envoy for Monitoring and Combating Anti-Semitism. As President Bush said when he signed the Global Anti-Semitism Review Act into law: "Defending freedom means also disrupting the evil of anti-Semitism."

The State Department released the Global Anti-Semitism report on January 5, 2005. The report was written by my office and the U.S. the State Department's Bureau of Human Rights, Democracy and Labor. It is based on information provided by our embassies, as well as non-governmental organizations that monitor and report on anti-Semitism, such as the Anti-Defamation League, the Roth Institute in Israel and of course the European Union Monitoring Center (EUMC). The report describes types of anti-Semitic activities and incidents that occurred in 62 countries from the period of July 2003 through mid-December 2004. For each country, the list is illustrative of the problem, and is not exhaustive.

Importantly, the report also highlights the efforts many countries have taken to combat the deplorable trend of anti-Semitism. We praised leaders who spoke out against anti-Semitic incidents when they occurred, or governments that worked diligently to undertake programs to stop anti-Semitism. We cited countries that passed legislation, increased law enforcement, and increased educational efforts to combat anti-Semitism.

The Vienna-based European Union Monitoring Center has identified France, Germany, the United Kingdom, Belgium and the Netherlands as the EU member countries with the most notable increases in anti-Semitism. These five countries have also taken affirmative steps to combat anti-Semitism by condemning anti-Semitic acts, enacting new legislation to punish hate crimes, and mounting law enforcement and educational efforts.

In addition to this report, the State Department also reports on anti-Semitic incidents in its annual International Religious Freedom Report and in the yearly Country Reports on Human Rights Practices. For the future, this collection of information for these reports will be coordinated by a new Office of a Special Envoy for Monitoring and Combating Anti-Semitism, to be established in the State Department's Bureau of Human Rights, Democracy and Labor, in accordance with the Global Anti-Semitism Review Law.

U.S. Government efforts to deal with anti- Semitism and other hate crimes go back to the civil rights legislation of the 1960s. Law enforcement authorities in the individual states report under the 1990 Hate Crimes Statistic Law, and the FBI publishes an annual report that analyzes these hate crime statistics. Of the hate crimes that were motivated by religious bias, 69 percent were based on an anti Jewish bias. In order to implement a successful strategy for reducing bias-motivated crime, we need to develop reliable statistics about when, why and where such crimes occur. Recently, the Anti-Defamation League reported that in 2004 anti-Semitic incidents in the United States reached their highest level in nine years.

In the United States, the responsibility for prosecuting perpetrators of bias motivated crimes is divided between our state, local and federal governments, which work cooperatively together. For federal crimes, a convicted offender's sentence may be increased if the court determines that he or she intentionally selected any victim or any property as the object of the offense because of actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation. In the U.S. experience, we have found that an effective way to deter and prevent bias-motivated crimes is to prosecute and punish those engaging in such criminal behavior to the full extent of the law. Prosecuting bias-motivated crimes remains a top priority for the Justice Department. Since 2001, the Civil Rights division of the Justice Department has charged 154 defendants in 104 cases of bias-motivated crime.

One of the federal government' s most effective programs for combating anti-Semitic and other hate crimes is run by the Community Relations Service of the U.S. Department of Justice. The Community Relations Service, for example, provides skilled professionals to a community to help defuse ethnic or race-based tensions and to resolve issues between groups in a community.

I want to mention several best practices from the U.S. experience in the areas of education, law enforcement and legislation, for purposes of our discussion in Session 3 today. This is based on cooperation between the federal government, the U.S. Congress, state and local leaders, NGOs, and religious community leaders. Today and tomorrow in other sessions and interventions, you will hear other members of the U.S. delegation provide examples of what

we have undertaken in the United States to fight against anti-Semitism and other forms of intolerance. I encourage you to see what practices might be adopted for use in your own countries to address intolerance and to promote respect and understanding among different communities, and look forward to hearing about best practices and programs, from which we in the United States can also learn.

Education

Now in its seventh year, the Anti-Defamation League's (ADL's) *Bearing Witness* program brings together educators from schools around the U.S. to examine anti-Semitism from its beginnings, through the Holocaust and to the present day. The Vatican has cited *Bearing Witness* as one of the most important programs in improving relations between Catholics and Jews.

Another program offered by ADL, a *National Youth Leadership Mission Program*, brings approximately 100 ethnically and racially diverse American high school students, based on their demonstrated interest in issues of diversity and leadership, to come to Washington for a youth conference. The participants make a commitment to educate themselves and others on tolerance once they return to their home communities.

On the local level, the Holocaust Memorial Foundation of Illinois, originally founded by Holocaust survivors in 1981 following their successful campaign to stop a 1977 neo-Nazi rally from taking place in the highly Jewish-populated Chicago suburb of Skokie, hosts a biennial Holocaust Arts and Writing Contest for students in grades 5 through 12 in the fields of poetry, creative writing, illustration, and other methods of artistic expression.

The Holocaust Museum of Houston, through its *Curriculum Trunks* initiative, ships actual trunks containing multi-media tools, artifact kits, maps, books, lesson plans and student activities relating to the Holocaust to interested schools nationwide. In order to ensure maximum benefit in the use of the trunks, educator training is provided throughout the United States on a continuous basis.

Over 4 million people have visited the Simon Wiesenthal Center's *Museum of Tolerance* in Los Angeles and its recently opened New York Tolerance Center in the last decade. By applying interactive technology to up-to-the-minute research, the museum empowers visitors to explore issues relating to the Holocaust, tolerance and genocide. Its *Tools for Tolerance* program has trained over 100,000 law enforcement professionals and thousands of educators to explore these issues in the context of personal and professional ethics and responsibilities.

The core mission of the New Jersey Commission on Holocaust Education is to promote Holocaust education in the State of New Jersey. On a continual basis, the Commission surveys the status of Holocaust education; designs, encourages and promotes the implementation of Holocaust and genocide education and awareness; provides programs in New Jersey; and coordinates designated events that will provide appropriate memorialization of the Holocaust on a regular basis throughout the state.

Law Enforcement

The U.S. Holocaust Memorial Museum (USHMM) is focused on providing educational programming to meet the needs of military and government audiences. Studying the

Holocaust offers a uniquely powerful opportunity to examine the nature of leadership and core values – including character, honor, integrity, justice, and fairness. The Museum is working in coordination with training institutions, such as the U.S. Naval Academy and the U.S. Military Academy at West Point, to teach on topics such as the actions of Allied and Axis military forces in the context of Holocaust history, as well as current issues facing the United States and its military in protecting human rights and preventing genocide around the globe today.

The Sikh American Legal Defense and Education Fund (SALDEF) created the Law Enforcement Partnership Program (LEPP) to build relationships between the law enforcement and the Sikh-American community, when individual Sikhs were targeted and/or attacked in the period following the September 11, 2001 attack. To date, SALDEF has provided training to over 100 agencies and 5,000 local, state and federal law enforcement officials.

In 2000, the Washington DC Metropolitan Police Department and other law enforcement agencies have participated in a program entitled *Law Enforcement and Society: Lessons of the Holocaust (LEAS)*. The United States Holocaust Memorial Museum and the Anti-Defamation League developed the program, which is based on the lessons of the Holocaust. As one of the program's originators, Police Chief Charles H. Ramsey now requires this one-day training for all Metropolitan Police recruits, and the program has expanded to other cities.

The U.S. Department of Justice Community Relations Service (CRS) co-sponsored a cultural awareness and protocol seminar on June 3, 2004 for law enforcement officers, support service workers, local officials, and community leaders from the Pacific Northwestern states of Alaska, Idaho, Oregon and Washington. The seminar focused on improving awareness of Arab, Muslim and Sikh cultures and issues, featuring a cultural-awareness film entitled *The First Three to Five Seconds*, a police roll-call training video.

Annually, the Oswiecim Center for Genocide Prevention, founded by American Fred Schwartz, leads several cadets/midshipmen from U.S. military academies for an extensive orientation into the history and lessons of the Holocaust. The cadets are taken to the U.S. Department of State, the Pentagon, the USHMM and to Auschwitz and other cites in Poland to gain first-hand exposure to what occurred during the Holocaust. The cadets also interact with their Polish military counterparts.

Legislation

In addition to federal laws, nearly every state has some form of statute that can be invoked to combat bias-motivated crimes. The majority of states have one or more of the following types of laws:

Criminalizing vandalism of religious institutions;
Outlawing bias-motivated violence and intimidation;
Requiring law enforcement personnel to receive training in identifying and investigating hate crimes;
Proscribing interference with another person's civil rights; and
Requiring states to compile statistics on hate crimes.

Examples –State and Local Enforcement of Hate Crimes Legislation

In October 2003, in a suburb of Milwaukee, Wisconsin, four white supremacists were arrested and charged under Wisconsin's hate crimes statute after beating a Hispanic man outside a tavern. Two of the suspects fled the state, but were arrested by law enforcement officials in Florida in February 2004, and were extradited to Wisconsin to face trial.

On June 3rd of 2005, a Texas youth was convicted under that state's hate crimes statute for his involvement in the burning of a cross in a woman's yard, painting a swastika and other racist graffiti on her garage and driveway, and hanging a noose from a tree in front of her house.

On May 27th of 2005, two men were arrested and charged with hate crimes for drawing swastikas and anti-Semitic slurs on cars near a synagogue in Queens, New York.

In March of 2005, in Brooklyn, New York, five white teenaged girls were attacked by a group of 30 black teenaged girls. Following an investigation into the incident by the city's bias crimes unit, hate crimes charges were added to the complaint.

In February of 2005, in California, a white supremacist was charged with attacking and beating a mail deliverer of Indian descent. If the court finds that the attack was motivated by bias, the attacker faces a greater penalty under the state hate crimes statute.

Mr. Chairman, fellow delegates, let me conclude by noting that the examples of the U.S. experience in combating bias-motivated crimes reflect what works in many communities in the United States. There are excellent examples of best practices in other OSCE participating States and we look forward to hearing about them. We look forward to exchanging ideas among experts in education, law enforcement, legislation and the media as we continue our work in the OSCE to fight against prejudice, bigotry and hate crimes, with a goal of developing acceptance, tolerance and understanding of minorities, which is an essential basis for democracy in the OSCE region.

Thank you.